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August 26, 2024

VIA ECF FILING

Hon. John P. Cronan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Aston-Martin v. WarnerMedia Direct, LLC*, No. 1:24-cv-06172-JPC;
Lalewicz v. WarnerMedia Direct, LLC, No. 1:24-cv-06173-JMF;
McBride v. WarnerMedia Direct, LLC, No. 1:24-cv-06176-GHW

Dear Judge Cronan:

We represent Defendant WarnerMedia Direct, LLC (“WarnerMedia”) in the three actions referenced above (the “Actions”). Pursuant to Rule 13 of the Rules for the Division of Business Among District Judges, we write to respectfully request that three Actions be designated as related and assigned to Your Honor, the Judge presiding over the Action with the lowest Southern District docket number.

Briefly, the procedural history of these three Actions is as follows:

- On **April 5, 2024**, the Actions were filed in Tennessee small claims court. They all assert substantially identical claims against WarnerMedia under the Video Privacy Protection Act (“VPPA”).
- On **May 24**, WarnerMedia timely removed the Actions to the U.S. District Court for the Eastern District of Tennessee. Judge Travis McDonough of that court was assigned to the removed Actions. The plaintiffs moved to remand the Actions to Tennessee small claims court. WarnerMedia moved to transfer the Actions to this Court and to compel plaintiffs to arbitrate their claims before National Arbitration and Mediation (“NAM”), the arbitration provider specified in WarnerMedia’s operative arbitration agreement.

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- On **July 24**, Judge McDonough granted WarnerMedia's motions to transfer the Actions to the Southern District.
- On **August 14**, transfer to the Southern District was effectuated, and the *Aston-Martin* action was assigned to Your Honor.
- That same day, WarnerMedia filed a Related Case Statement in each Action respectfully suggesting that each Action was related to *Brooks v. WarnerMedia Direct LLC*, No. 1:23-cv-11030-KPF, an action pending in the Southern District before Judge Failla.
- On **August 23**, Judge Failla declined assignment of the Actions on the ground that they were not related to *Brooks*.

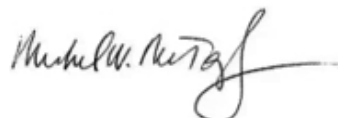
The Actions meet all of the factors for relatedness under Rule 13(a):

First, all of the Actions “concern the same or substantially similar parties, [] transactions, or events” and “there is substantial factual overlap.” Rule 13(a)(1)(A-B). WarnerMedia is the defendant in all of the Actions, all plaintiffs are represented by the same counsel, and all plaintiffs assert substantively identical VPPA claims against WarnerMedia. The parties in each Action dispute whether the claims should be in arbitration, and if so, whether arbitration should be administered by NAM or the American Arbitration Association. In each Action, WarnerMedia seeks to compel arbitration before NAM, and the plaintiff seeks remand to the Tennessee small claims court.

Second, absent consolidation, there is a very high risk of “conflicting orders” and there will undoubtedly be “a substantial duplication of effort and expense, delay, or undue burden on the court” and parties. Rule 13(a)(1)(C-D). The central dispute in each Action is whether plaintiffs are bound by WarnerMedia’s updated arbitration agreement—which would require arbitration before NAM—or whether these Actions belong in Tennessee small claims court. The factual circumstances are substantially similar for each plaintiff. Should these cases be assigned to different Judges, there will be a substantial duplication of effort.

Accordingly, WarnerMedia respectfully requests that each of the Actions be designated as related and assigned to Your Honor.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael W. McTigue Jr.", written in a cursive style.

Michael W. McTigue Jr.

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cc: All counsel of record in the Actions (by ECF filing)
Hon. Jesse M. Furman (by ECF filing in *Lalewicz*)
Hon. Gregory H. Woods (by ECF filing in *McBride*)